

SENATE BILL 1487

By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 19, Part 1; Section 2-2-107; Section 2-2-109; Section 2-2-116; Section 2-2-124; Section 2-3-107; Section 2-4-103; Section 2-4-109; Section 2-5-102; Section 2-5-204; Section 2-7-104; Section 2-7-133; Section 6-53-101; Section 8-8-102 and Section 49-2-504, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-7-133, is amended by deleting subsection (c) in its entirety and by renumbering the subsequent subsections accordingly.

SECTION 2. Tennessee Code Annotated, Section 2-5-204(b)(1), is amended by adding the following new sentence to the end of the subdivision:

A candidate who qualifies pursuant to T.C.A. §2-5-101(g)(1) or who is nominated pursuant to T.C.A. §2-13-204(c) must file any request to withdraw no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline.

SECTION 3. Tennessee Code Annotated, Section Section 2-2-124(b), is amended by deleting the words "permanent" and the words "civil district of".

SECTION 4. Tennessee Code Annotated, Section Section 2-7-104(e), is amended by adding the following new sentence to the end of the subsection:

Poll watchers observing the duties of the absentee counting board are prohibited from possessing any electronic device, including a cellular telephone, capable of transmitting election results to a location outside the room where the ballots are being tabulated.

SECTION 5. Tennessee Code Annotated, Section 2-7-104(a), is amended by adding the following new sentence to the end of the subsection:

No person shall serve as a poll watcher at more than one precinct on election day.

SECTION 6. Tennessee Code Annotated, Section 2-4-109, is amended by deleting from the third sentence the words “resolution of”.

SECTION 7. Tennessee Code Annotated, Section 2-3-107(b)(2), is amended by adding the following sentence to the end of the subdivision:

If a state park is to be used as a voting location, the park must establish the site for the polling place at least one year prior to the date of the election, and the location of the polling site within the park may not change without the consent of the county election committee.

SECTION 8. Tennessee Code Annotated, Section 2-4-103(e), is amended by adding the following language at the end of the subsection:

Nothing herein shall prohibit a high school student appointed as a poll official from receiving compensation in addition to having an excused absence.

SECTION 9. Tennessee Code Annotated, Section 2-4-103, is further amended by deleting subsections (a) and (b) and by substituting instead the following:

(a) Officers of elections, judges, machine operators, precinct registrars, and assistant precinct registrars shall be registered voters. They may serve at any polling place within the state house legislative district of which they are an inhabitant.

(b) Inspectors shall be registered voters at a polling place in the county and shall be inhabitants of the county.

SECTION 10. Tennessee Code Annotated, Section 2-4-103 is further amended by deleting subsections (c) and (d) and by renumbering the subsequent subsections accordingly.

SECTION 11. Tennessee Code Annotated, Section 2-2-109(a), is amended by adding the following sentences after the first sentence:

If the thirtieth (30<sup>th</sup>) day before an election falls on a Saturday, Sunday, or state holiday, the form must be postmarked by the last business day before the Saturday, Sunday, or holiday. A mail registration form lacking a postmark, but signed and dated at least thirty (30) days before an election, shall be timely filed if it is received by the county election commission no later than the twenty-seventh (27<sup>th</sup>) day prior to the election.

SECTION 12. Tennessee Code Annotated, Section 6-53-101(a), is amended by deleting the words and punctuation “ninety (90)” and substituting instead the words and punctuation “one hundred twenty (120)”.

SECTION 13. Tennessee Code Annotated, Section 6-53-101, is further amended by designating the existing subsection (a) as subdivision (a)(1) and by adding the following as a new subdivision (a)(2):

(a)(2) Any municipality which has changed the term of office of any elected official shall file a certified copy of the ordinance changing such term of office with the appropriate county election commission at least seven (7) days prior to the deadline for filing the notice of election pursuant to T.C.A. §2-12-111.

SECTION 14. Tennessee Code Annotated, Section 2-2-116, is amended by deleting subsection (d) and by renumbering the subsequent subsections accordingly.

SECTION 15. Tennessee Code Annotated, Section 2-2-107, is amended by adding the following sentence to the end of subsection (a):

Notwithstanding any provision of law to the contrary, if a municipal charter provides for property rights voting a person must own at least a fifty percent (50%) fee simple interest in real property within the city limits at the time of registration and at the time of election to be eligible as a property rights voter.

SECTION 16. Tennessee Code Annotated, Section 2-5-102(b)(5), is amended by adding the following sentence to the end of the subdivision:

In any year where reapportionment must occur, the coordinator of elections shall determine the earliest date on which petitions may be issued.

SECTION 17. Tennessee Code Annotated, Section 8-8-102(c), is amended by deleting the subsection and substituting instead the following:

(c)(1) Any person seeking the office of sheriff shall file with the POST Commission, at least fourteen (14) days prior to the qualifying deadline, the following:

(A) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and

(B) A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in 8-8-102(b)(8) for the purposes of sheriff candidacy qualification. The form shall be developed by the POST Commission and shall include the examining psychologist's/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the POST Commission upon request by any candidate for the office of sheriff.

(2) If such affidavit and form are not filed with the POST Commission by the fourteenth (14<sup>th</sup>) day prior to the qualifying deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The POST Commission shall have the authority to verify the validity of such affidavit and form.

(3) The POST Commission shall verify POST certification of any person seeking the office of sheriff who meets these requirements. The original notarized verification form from the POST Commission shall be filed by the POST Commission with the county election commission by the withdrawal deadline. If the POST Commission has not certified to the county election commission by the withdrawal deadline a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot. In the event that a person seeks election to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

SECTION 18. Tennessee Code Annotated, Title 2, Chapter 19, Part 1, is amended by adding the following as a new section:

Section \_\_\_\_\_. A person commits a Class E felony who:

- (1) Uses or threatens to use force or violence in an election commission office or against an election official, or
- (2) Brings a firearm into a county election commission office or polling place. The county election commission shall post notice of this prohibition in the county election commission office as well as each polling place.

SECTION 19. Tennessee Code Annotated, Section 49-2-504, is amended by deleting the section in its entirety and by substituting instead the following:

A special school district may, by legislative act, establish eligibility and procedures for nonresident property owners.

SECTION 20. This act shall take effect July 1, 2001, the public welfare requiring it.